

RULE 63 (37 CFR § 1.63)
DECLARATION FOR PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

As a below named inventor, I hereby declare that my residence, post office address and citizenship are as stated below next to my name, and I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled "COMPUTERIZED STITCHING INCLUDING EMBROIDERING", the specification of which is identified as Attorney File No. 1109-112 and attached hereto.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above. I acknowledge the duty to disclose information which is material to patentability in accordance with 37 CFR 1.56(a) and (b) as set forth on the attached sheet indicated Page 4 hereof and which I have read.

I hereby claim foreign priority benefits under 35 U.S.C. 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s) Number	Country	Day/Month/Year Filed	Priority Claimed Yes	No
None				


I hereby claim the benefit under 35 U.S.C. 120/365 of all United States and PCT international applications listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in such prior applications in the manner provided by the first paragraph of 35 U.S.C. 112, I acknowledge the duty to disclose information material to patentability in accordance with 37 CFR 1.56(a) and (b) which occurred between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Application Serial No.	Filing Date	Status: patented, pending, abandoned
None		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

(1) Inventor's Signature  Date 01/22/2002

Inventor's Name: Manfred Zesch
 Citizenship: Austria
 Residence: Mahd 44
 A-6972 Fussach, Austria
 Post Office Address: Same as Residence

(2) Inventor's Signature  Date 01-22-2002

Inventor's Name: Peter Kern
 Citizenship: Switzerland
 Residence: 11532 North Irving Street
 Westminster, Colorado 80031
 Post Office Address: Same as Residence

(3) Inventor's Signature  Date 01/22/2002

Inventor's Name : Michael E. Dickeson
 Citizenship: USA
 Residence: 8474 West 74th Place
 Arvada, Colorado 80005
 Post Office Address: Same as Residence

(4) Inventor's Signature  Date 22-01-02

Inventor's Name : Jurg Henz
 Citizenship: Switzerland
 Residence: 10873 Legacy Ridge Court
 Westminster, Colorado 80031
 Post Office Address: Same as Residence

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(5) Inventor's Signature Jeffrey Block Date 1-22-02

Inventor's Name : Jeffrey T. Block
Citizenship: USA
Residence: 11323 Gray Street
Westminster, Colorado 80020
Post Office Address: Same as Residence

(6) Inventor's Signature Dale A. Zoetewey Date 1/22/02

Inventor's Name: Dale Alan Zoetewey
Citizenship: USA
Residence: 3135 South Beeler Street
Denver, Colorado 80231
Post Office Address: Same as Residence

(7) Inventor's Signature Victor Rhodes Date 1/22/02

Inventor's Name : Victor Justin Rhodes
Citizenship: USA
Residence: 5169 Durham Court
Denver, Colorado 80239
Post Office Address: Same as Residence

(8) Inventor's Signature Dean Gerald Pearson Date 1-22-02

Inventor's Name : Dean Gerald Pearson
Citizenship: USA
Residence: 5706 West 60th Place
Arvada, Colorado 80003
Post Office Address: Same as Residence

37 CFR §1.56(a) and (b)
DUTY TO DISCLOSE INFORMATION MATERIAL
TO PATENTABILITY

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim; or
- (2) It refutes, or is inconsistent with, a position the applicant takes in:
 - (i) Opposing an argument of unpatentability relied on by the Office, or
 - (ii) Asserting an argument of a patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.*

*Note, 37 CFR §1.97(h) states: "The filing of an information disclosure statement shall not be construed to be an admission that the information cited in the statement is, or is considered to be, material to patentability as defined in §1.56(b)."

POWER OF ATTORNEY

On behalf of Melco Industries, Inc., a Colorado corporation having a principal place of business at 1575 West 124th Avenue, Denver, Colorado 80234 being the assignee of and owning all right, title and interest in the invention entitled "COMPUTERIZED STITCHING INCLUDING EMBROIDERING", for which application for Letters Patent of the United States has been made by Manfred Zesch, Peter Kern, Michael E. Dickeson, Jurg Henz, Jeffrey T. Block, Dale Alan Zoetewey, Victor Justin Rhodes, and Dean Gerald Pearson, said application being identified as Attorney File No. 1109-112 and executed on even date herewith, I, Peter Kern, Director of Research & Development of Melco Industries, Inc., hereby appoint David F. Zinger, Registration No. 29,127; Craig C. Groseth, Registration No. 31,713; Sabrina C. Stavish, Registration No. 33,374; Todd P. Blakely, Registration No. 31,328; Lewis D. Hansen, Registration No. 35,536; Joseph E. Kovarik, Registration No. 33,005; Gary J. Connell, Registration No. 32,020; Douglas W. Swartz, Registration No. 37,739; Bruce A. Kugler, Registration No. 38,942; Robert R. Brunelli, Registration No. 39,617; Tejpal S. Hansra, Registration No. 38,172; Dana Hartje Cardwell, Registration No. 40,638; Angela K. Dallas, Registration No. 42,460; Benjamin B. Lieb, Registration No. 42,801; Bradley M. Knepper, Registration No. 44,189; Miriam Drickman Trudell, Registration No. 42,499; Dennis J. Dupray, Registration No. 46,299; Kenneth C. Winterton, Registration No. 48,040; Robert D. Traver, Registration No. 47,999; Brent P. Johnson, Registration No. 38,031; Mark L. Yaskanin, Registration No. 45,246; and Mollybeth R. Kocialski, Registration No. 42,754, of SHERIDAN ROSS P.C., 1560 Broadway, Suite 1200, Denver, Colorado 80202-5141, telephone number (303) 863-9700, as attorneys and agents for Melco Industries, Inc. with full powers of substitution, association and revocation to prosecute the application and related U.S. and foreign applications and to transact all business in the United States Patent and Trademark Office and all foreign and international patent offices connected therewith.

By: P J U
Peter Kern
Director of Research & Development

Dated: 01-22-02

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